

hbd-08

Bill No. CS/HB 535

Amendment No. ____ (for drafter's use only)

Senate

CHAMBER ACTION

House.
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ORIGINAL STAMP BELOW

The Committee on Finance & Taxation offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (3) of section 556.101, Florida Statutes, is amended to read:

556.101 Short title; legislative intent.--

(3) It is the purpose of this act to:

(a) Aid the public by preventing injury to persons or property and the interruption of services resulting from damage to an underground facility caused by excavation or demolition operations.

(b) Create a not-for-profit corporation comprised of operators of underground facilities in this state to administer the provisions of this act.

(c) Fund the cost of administration entirely and exclusively by assessed contributions from the member operators.

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1 It is not the purpose of this act to create liability for
2 negligence on the part of any municipality or county operator
3 of an underground facility which ~~who~~ elects to not participate
4 in the one-call notification system created by this act.

5 Section 2. Subsections (7) and (9) of section 556.102,
6 Florida Statutes, are amended to read:

7 556.102 Definitions.--As used in this act:

8 (7) "Member operator" means any person who furnishes
9 or transports materials or services by means of an underground
10 facility, except a municipality or a county which has elected
11 not to participate in the one-call notification system in the
12 manner set forth in s. 556.103(1)~~and who elects to~~
13 ~~participate as a member of the one-call notification center~~
14 ~~for any portion of the territory served by the person.~~

15 (9) "Underground facility" means any public or private
16 personal property which is buried, placed below ground, or
17 submerged on any member operator's right-of-way, easement, or
18 permitted use which is being used or will be used in
19 connection with the storage or conveyance of water; sewage;
20 electronic, telephonic, or telegraphic communication; electric
21 energy; oil; petroleum products; natural gas; optical signals;
22 or other substances, and includes, but is not limited to,
23 pipelines, pipes, sewers, conduits, cables, valves, and lines.
24 For purposes of this act, a liquefied petroleum gas line
25 regulated under chapter 527 is not an underground facility
26 unless such line is subject to the requirements of Title 49,
27 Code of Federal Regulations, adopted by the Department of
28 Agriculture and Consumer Services, provided there is no
29 encroachment on any member operator's right-of-way, easement,
30 or permitted use. Petroleum storage systems subject to
31 regulation pursuant to chapter 376 are not considered

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1 underground facilities for the purposes of this act unless the
2 storage system is located on a member operator's right-of-way
3 or easement. Storm drainage systems are not considered
4 underground facilities.

5 Section 3. Subsection (1) of section 556.103, Florida
6 Statutes, is amended, and subsection (5) is added to said
7 section, to read:

8 556.103 Creation of the corporation; establishment of
9 the board of directors; authority of the board; annual
10 report.--

11 (1) The "Sunshine State One-Call of Florida, Inc." is
12 hereby created as a not-for-profit corporation. Each ~~Any~~
13 operator of an underground facility in this state shall ~~may~~ be
14 a member of the corporation and shall ~~may~~ use and participate
15 in the system, except that a municipality or a county may
16 elect by January 1, 1998, by written notification, not to
17 participate in the system and shall identify in such
18 notification any reasons for declining membership. The
19 corporation shall be formed by June 1, 1993. The corporation
20 shall administer the provisions of this act. The corporation
21 shall exercise its powers through a board of directors
22 established pursuant to this section.

23 (5) Beginning in 1998, the board of directors shall
24 submit to the President of the Senate, the Speaker of the
25 House of Representatives, and the Governor, not later than 60
26 days before the convening of each Regular Session of the
27 Legislature, an annual progress report on the participation by
28 municipalities and counties in the one-call notification
29 system.

30 Section 4. Section 556.104, Florida Statutes, is
31 amended to read:

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1 556.104 One-call notification system.--The corporation
2 shall establish a one-call toll-free telephone notification
3 system which shall be operational by June 1, 1994. Any person
4 who furnishes or transports materials or services by means of
5 an underground facility in this state shall ~~may elect to~~
6 participate as a member operator of the system, except that a
7 municipality or a county may elect not to participate in the
8 system in the manner set forth in s. 556.103(1). The purpose
9 of the system is to receive notification of planned excavation
10 or demolition activities and to notify member operators of
11 such planned excavation or demolition activities. The system
12 shall provide a single toll-free telephone number within this
13 state which excavators can use to notify member operators of
14 planned excavation or demolition activities.

15 Section 5. Subsection (4) of section 556.105, Florida
16 Statutes, 1996 Supplement, is amended to read:

17 556.105 Procedures.--

18 (4) All member operators within the defined area of a
19 proposed excavation or demolition shall be promptly notified
20 through the system, except member operators with state-owned
21 underground facilities located within the right-of-way of a
22 state highway need not be notified of excavation or demolition
23 activities and shall be under no obligation to mark or locate
24 such facilities.

25 Section 6. Paragraph (e) of subsection (2) of section
26 556.106, Florida Statutes, is amended to read:

27 556.106 Liability of the member operator, excavator,
28 and system.--

29 (2)

30 (e) When an excavator knows or should know of the
31 presence of an underground facility of a nonmember

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1 municipality or county, he shall make reasonable efforts to
 2 contact the municipality or county which ~~person who~~ owns or
 3 operates that facility prior to commencing an excavation or
 4 demolition, ~~regardless of whether that person is a member~~
 5 ~~operator.~~

6 Section 7. Section 556.110, Florida Statutes, is
 7 amended to read:

8 556.110 Costs assessed among member operators.--Member
 9 operators shall proportionately share in the cost of operating
 10 the system through monthly assessments made upon each member
 11 operator. However, any member which receives fewer than 10
 12 notifications in any month shall not be assessed for such
 13 month.

14 Section 8. This act shall take effect October 1, 1997.

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page, line(s),
 20 remove from the title of the bill: the entire title

21
 22 and insert in lieu thereof:

23 A bill to be entitled
 24 An act relating to the Underground Facility
 25 Damage Prevention and Safety Act; amending s.
 26 556.101, F.S.; revising legislative intent;
 27 amending s. 556.102, F.S.; revising
 28 definitions; amending s. 556.103, F.S.;
 29 requiring membership in a specified
 30 corporation; exempting certain municipalities
 31 and counties; requiring an annual report;

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1 amending s. 556.104, F.S.; requiring
2 participation in a specified system; providing
3 that a municipality or county may elect not to
4 participate; amending s. 556.105, F.S.;
5 exempting certain member operators from
6 notification and mark and location requirements
7 under certain circumstances; amending s.
8 556.106, F.S.; providing for certain notice by
9 an excavator to a nonmember municipality or
10 county owner or operator; amending s. 556.110,
11 F.S.; providing for monthly assessments for
12 operating costs; exempting member operators
13 from certain assessments under certain
14 circumstances; providing an effective date.